

130705-Government Email (Time to File 917 Responses).txt

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, July 05, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: 'coombs@armycourt martialdefense.com'; Hurley, Thomas F MAJ
USARMY

(US); Tooman, Joshua J CPT USARMY (US); (b) (7)(C)
(b) (7); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY
(US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox
MDW Court Reporters OMB; (b) (7)(C); (b) (7)(C)
(b) (7)(C)

Subject: RE: Defense Filing - Government Time to Respond

Ma'am,

The United States requests until COB Thursday, 11 July to file its responses to the Defense's RCM 917 motions. This request is based on multiple factors. The defense filed 44 pages of motions containing many new and old cases that are being relied upon by the defense to argue that the United States presented evidence that is not legally sufficient for RCM 917 purposes. These motions are technical legal arguments, thus requiring extensive research, and not arguments focused on mere insufficiency of evidence related to the elements. Also, the defense appears to be re-litigating the Court's 18 USC 1030 rulings, which require more time to research these issues. Not only does the United States need to thoroughly research these cases and others from all the filings, but also must outline for the Court the witness testimony and approximately 180 prosecution exhibits presented over the past 30 days. Additionally, since we are pushing forward with the defense's case on Monday morning, the United States requests the filing date be COB Thursday, 11 July to allow for the concurrent preparation of the defense's first 10 witnesses.

The above request would give the United States 7 days, including today

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PAGE REFERENCED: _____
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and the
weekend, to concurrently research and write our responses, prepare for
the
first 10 defense witnesses, and participate in the trial next week.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Friday, July 05, 2013 11:18 AM
To: 'coombs@armycourt martialdefense.com'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY
(US);
(b) (7)(C); Morrow, JoDean (Joe) III CPT
USARMY USAMDW
(US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY
(US); von
Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY
(US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox
MDW
Court Reporters OMB; (b) (7)(C); Fein, Ashden
MAJ
USARMY MDW (US); (b) (7)(C)
Subject: Re: Defense Filing - Government Time to Respond

Government,

By COB today, advise the Court how much time you request to respond to
the
Defense motions in the below email.

D

----- Original Message -----

From: David Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Thursday, July 04, 2013 03:37 PM Coordinated Universal Time
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY
(US);
(b) (7)(C); Morrow, JoDean (Joe) III CPT
USARMY
USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT
USARMY
(US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka,

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Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw
Mailbox
MDW Court Reporters OMB; (b) (7)(C); Fein,
Ashden MAJ
USARMY MDW (US); (b) (7)(C)
Subject: Defense Filing

Ma'am,

Please find attached the following R.C.M. 917 motions:

1. Motion for Directed Verdict: 104 Offense
2. Motion for Directed Verdict: 1030 Offense
3. Motion for Directed Verdict: 641 Offenses (excepting the USF-I
Global
Address List)
4. Motion for Directed Verdict: the USF-I Global Address List

The Defense asks that you read the Motion for Directed Verdict for the
641
Offenses prior to reading the Motion for Directed Verdict for the GAL
since
the latter cross-references the former.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs

(b) (7)(C)

coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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